



1/fn DAE

PTO/SB/64 (01-09)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
P559

First named inventor: GREGORY E. JOHNSTON

Application No.: 09/059,077

Art Unit: 2622

Filed: 04/09/98

Examiner: LUONG T. NGUYEN

Title: MOBILE SURVEILLANCE SYSTEM

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of REWRITTEN DEPENDENT ALLOWABLE CLAIMS (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/06/2009 WAFSAW1 00000028 09059077 810.00 OP 01 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Robert E. Malm
Signature

March 2, 2009
Date

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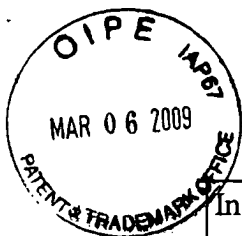
Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

03/03/09
Date

Robert E. Malm
Signature
ROBERT E. MALM
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GREGORY E. JOHNSTON. ARIE LEVINKRON Serial Number: 09/059,077 Filing Date: 04/09/98 For: MOBILE SURVEILLANCE SYSTEM	Group Art Unit: 2622 Examiner: LUONG NGUYEN Telephone: (571) 272-7315 FAX: (571) 273-7315
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STATEMENT IN SUPPORT OF SUBMITTED PETITION

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The examiner's rejection of certain claims was appealed to the Board of Patent Appeals and Interferences. The Decision by the Board resulted in the examiner being sustained in his rejection of claim 1, the only independent claim in the application.

Claims 4, 8-11, 15-17, and 22 were objected to as being dependent upon a rejected a base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In considering my options after the decision by the Board I consulted Section 1214.06 (Examiner Sustained in Whole or in Part) of the MPEP (Rev. 3, August 2005). Subsection II entitled CLAIMS STAND ALLOWED clearly applied since claims 4, 8-11, 15-17, and 22 were only an examiner's amendment away from being allowed. Section 1214.06 states:

" . . . every case, except applications in which all claims stand rejected after the Board's decision, is up for action by the examiner in the event no court review has been sought."

Subsection II states:

"The appellant is not required to file a reply. The examiner issues the application . . . on the claims which stand allowed.."

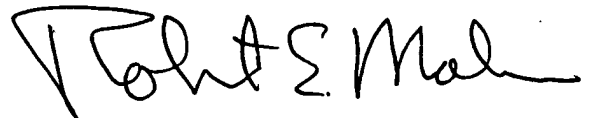
"If the Board affirms a rejection against independent claim 1, reverses all rejections against dependent claim 2 and claim 3 is allowed [**applicant has no other independent claims and thus there is no counterpart to claim 3**], after expiration of the period for further appeal, the examiner should either:

"(A) Convert dependent claim 2 into independent form; by examiner's amendment, cancel claim 1 in which the rejection was affirmed, and issue the application with claims 2 and 3; or

"(B) Set a 1-month time limit in which appellant may rewrite dependent claim 2 in independent form."

The examiner has informed me that I should have been guided by Subsection I of Section 1214.06 and upon a more careful reading, I agree. It seemed at the time, however, that I was following the correct procedure in waiting for a communication from the examiner. I certainly did not wish to abandon the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Malm". The signature is stylized with a large, sweeping initial "R" and a long, horizontal flourish at the end.

Robert E. Malm
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DEPENDENT ALLOWABLE CLAIMS REWRITTEN IN INDEPENDENT FORM

1-3 (cancelled)

4. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images wherein said mount assembly incorporates a quick disconnect mechanism and a double locking mechanism where one mechanism is a security fastener;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images.

5-7 (cancelled)

8. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images, said mount assembly comprising a ball-plunger for self-locking said mount assembly;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images.

9. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images comprising a security fastener as a secondary and operator activated mechanical locking mechanism for said mount assembly;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images.

10. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images wherein full rotation is achieved by mounting said camera to a tilting mechanism mounted on a panning mechanism, said mobile pan and tilt camera and display-control apparatus further comprising a singular support for both said panning mechanism and said tilting mechanism and separate drive gears and slip clutches for both said panning mechanism and said tilting mechanism;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images.

11. (previously presented) A mobile pan and tilt camera and display-control apparatus as claimed in claim 10 wherein each slip clutch comprises:

a rotationally free gear;

a support housing for gear;

a friction pad co-aligned to said gear between said gear and said support housing;

a wave washer to apply a pressure against said rotationally free gear and said support housing of sufficient force to enable a motor to drive said gear and said support housing to a point where said support housing stops rotating and said rotationally free gear breaks friction of said friction pad while said motor continues to drive without overheating.

12-14 (cancelled)

15. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images;

a bimetal heat sink for camera power supply temperature control.

16. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images;

a camera enclosure with bezel opening that is threaded to accept optical filters and is sealed with an o-ring for moisture blocking, said camera enclosure being adapted to act as an additional heat sink.

17. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images;

a camera enclosure with bezel opening that is threaded to accept optical filters and is sealed with an o-ring for moisture blocking, said camera enclosure incorporating a one-way moisture passage plug with flexible and sealed passage for wires..

18-21 (cancelled)

22. (currently amended) A mobile pan and tilt camera and display-control apparatus comprising:

a fully rotatable camera attached to a mount assembly that is mounted to a vehicle for capturing mobile images wherein full rotation is achieved by mounting said camera to a tilting mechanism mounted on a panning mechanism, said mount assembly including an adapter plate to mate to a light bar used on emergency and patrol guard vehicles;

a display-control box having an image display screen and control buttons for controlling said camera and its movement, said display-control box being attached to an adjustable mount in said vehicle within an operator's view and reach;

an image capture box for receiving said captured mobile images.

23-25 (cancelled)